

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County

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vs.

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José L. Vargas, Jr.

Correctional Officer

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)

Docket No. 1806

DECISION

This matter coming on to be heard pursuant to the Order of Remand entered July 23, 2019 from the Circuit Court of Cook County in case 16 CH 14581, instructing the "Merit Board to determine whether, after excluding Vargas conduct in kneeling on [REDACTED] back the second time, Vargas should have been terminated as a sanction for using excessive force." The Cook County Sheriff's Merit Board adopts by reference the original October 26, 2016 decision of the Merit Board. The following additional findings are made by the Cook County Sheriff's Merit Board:

The Cook County Sheriff's Merit Board issued its original decision this matter on October 26, 2016 terminating the employment of Correctional Officer José L. Vargas, Jr., and setting forth in detail the rules and regulations violations that were charged and proven from the complaint, as well as a detailed exposition of the evidence through witness testimony, video and documents admitted into evidence.

As instructed by the Circuit Court, even excluding Vargas conduct in kneeling on [REDACTED] back the second time, sufficient evidence exists in the record to justify the termination of this officer for the use of excessive force under the totality of the circumstances on inmate [REDACTED].

As his conduct in the video shows, at the time Vargas entered the area where [REDACTED] was located, four other officers were already on the premises with [REDACTED]. Vargas approaches and flips [REDACTED] over and begins punching him with his fist in the back. Vargas then shifts to hold [REDACTED] legs down by kneeling on them while continuing to punch [REDACTED]. Shortly thereafter, another officer pulls Vargas off of [REDACTED]. The conduct when viewed on the video beginning at time stamp 12:10:51 supports a finding that Vargas engaged in the use of excessive force by flipping him over and administering 7-8 punches. Another officer then is required to pull Vargas off of [REDACTED]. This is at the same time while a sufficient number of other officers were on hand to restrain [REDACTED] without the necessity of the totality of multiple punches being applied.

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Correctional Officer
José L. Vargas, Jr.

Order

Based on the evidence presented, and after assessing the credibility of witnesses and the weight given to the evidence in the record, the Board finds, by a preponderance of the evidence, that Respondent Vargas engaged in the use of excessive force on inmate █ as set out in the record, and that his employment should be terminated effective March 13, 2015.

Docket No. 1806
Correctional Officer
José L. Vargas, Jr.

[REDACTED]
James P. Nally, Chairman

[REDACTED]
Byron Brazier, Vice-Chairman

[REDACTED]
John P. Dalicandro, Secretary

[REDACTED]
Vincent T. Winters, Board Member

[REDACTED]
Kim R. Widup, Board Member

[REDACTED]
Juan L. Baltierrez, Board Member

[REDACTED]
Kimberly Pate Godden, Board Member

[REDACTED]
Monica M. Torres-Linares, Board Member

Date September 27, 2019

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)
vs.) Docket # 1806
Jose L. Vargas, Jr.)
Cook County Correctional Officer)

DECISION

THIS MATTER COMING ON to be heard pursuant to notice, the Cook County Sheriff's Merit Board finds as follows:

Jurisdiction:

The Respondent's, Jose L. Vargas, Jr.'s, (hereinafter "Respondent") position as a Cook County Correctional Officer involves duties and responsibilities to the public; and
Each member of the Cook County Sheriff's Merit Board, hereinafter "Board," has been duly appointed to serve as a member of the Board pursuant to confirmation by the Cook County Board of Commissioners, State of Illinois, to sit for a stated term; and
The Board has jurisdiction of the subject matter and of the parties in accordance with Chapter 55 of the Illinois Compiled Statutes; and

The Respondent was personally served with a copy of the Complaint and Notice of Hearing and appeared before the Board to contest the charges contained in the complaint; and
The Board has heard the evidence presented by the Sheriff and the Respondent, and evaluated the credibility of the witnesses and supporting evidence. After considering the evidence, the Board finds as follows:

Background:

By complaint dated March 13, 2015, the Cook County Sheriff Thomas J. Dart sought separation of Respondent. The complaint alleges that Respondent on March 13, 2013, at approximately 12:11 PM, while on duty in Division XI of the CCDOC, used excessive force against a detainee, [REDACTED] by striking detainee [REDACTED] several times in the body with a closed fist, sitting/kneeling on detainee [REDACTED]'s back while other correctional officers appeared to be handcuffing detainee [REDACTED], and kicking detainee [REDACTED]. That on March 11, 2013, RESPONDENT completed and submitted a Use of Force Report. In the narrative of that report, RESPONDENT failed to document that he sat/knelt on detainee [REDACTED]'s back while other correctional officers appeared to be handcuffing detainee [REDACTED]; and RESPONDENT failed to document that he kicked detainee [REDACTED]. The complaint alleges that this violated several rules and regulations of the Cook County Sheriff's Department, and the Cook County Sheriff's Merit Board, specifically: Sheriff's Order 11.2.1.0 II, V. E., VII. B and E., X. A. 6 and 7, XIII A, B and C; General Order 24.9.1.0 II, VII A. 1-2, C., F. 2., VIII; Sheriff's

Order 11.2.20.0 II, III, and VI. A. 2., B. 1-2., and D3; and the Rules and Regulations of the Cook County Sheriff's Merit Board, Article X. paragraph B. 3.

Issues Presented: Whether the actions of the Respondent violated any of the General or Sheriff's orders or Merit Board Rules set forth above and what if any discipline is appropriate if a violation occurred.

Resolution of Issues Presented: The Merit Board finds that a violation of Sheriff's Order 11.2.1.0 II, V. E., VII. B and E., X. A. 6 and 7, XIII A, B and C; Sheriff's Order 11.2.20.0 II, III, and VI. A. 2., B. 1-2., and D3; and the Rules and Regulations of the Cook County Sheriff's Merit Board, Article X. paragraph B. 3, and the Rules and Regulations of the Cook County Sheriff's Merit Board, Article X paragraph B, did occur. The Respondent did not violate General Order 24.9.1.0 II, VII A. 1-2., C., F. 2., VIII

Findings of Fact: Evidentiary hearing was held on February 9, 2016 at the Cook County Administration Building, 69 West Washington Street, Room 1100, Chicago, Illinois before James P. Nally. Present were Petitioner by counsel and Respondent by counsel. Two witnesses testified for the Sheriff: [REDACTED] and [REDACTED]. The Respondent testified on his own behalf and called [REDACTED], [REDACTED], [REDACTED] and [REDACTED] as witnesses.

Sheriff Exhibits 1-8 and Respondents Exhibits 1-4
were admitted into evidence.

Evidence:

Witness [REDACTED] testified that he is currently employed as a Deputy Director in the Cook County Sheriff's Audit and Inspection Unit. Witness testified that he has worked a total of thirteen years for the Sheriff's office and that at the time of the investigation into this matter he was employed by the Cook County Sheriff in the Office of Professional Review where he conducted investigations following complaints of allegations of administrative rule violations for three years. Witness testified that his initial involvement was to do an assessment of whether or not there was a violation by reviewing a complaint register filled out by Superintendent [REDACTED]. Witness testified that he reviewed a video of the incident and performed interviews to identify who was in the videos which led him to Respondent. Witness testified that he met with Respondent and that Respondent was advised of his rights. Respondent was accompanied by his union representative [REDACTED] and Witness was accompanied by a fellow investigator [REDACTED]. Witness testified that he took Respondent's statement, typed it up and allowed Respondent to review the statement. Witness testified that Respondent did not make any changes to the statement at that time. Witness testified that Respondent informed him that he had given the detainee "kidney strikes". Witness asked Respondent, "Is that what you were trained to do and is that something that you want in a report?" at which point Respondent consulted with his union representative and left the room. Upon returning to the room, Respondent "changed it to strikes". Witness testified that the statement generated was consistent with the information Respondent put forth at that time. Witness was allowed to view the video of the incident in its entirety. The video was moved into evidence and witness continued his testimony. Witness

testified that Respondent was the fourth officer to enter the room. Witness was asked if it was his opinion that Respondent used excessive force and why. Witness testified that he believed Respondent used excessive force. Witness testified that his opinion was based upon, "The type of technique that he used, and he continued to apply force when it appeared as though the detainee was under control." Witness testified that he could see Respondent administer "7 or 8" strikes to the detainee and that there were other officers with "hands on the detainee". Witness was asked if there was "any indication that Detainee [REDACTED] could have lashed or struck out at any of the officers" and he responded "No". Witness testified that he could also see Respondent kneeling on the detainee. Witness stated, "It would be to gain control over the limbs, being the arms, where we're actually trained to place a knee across the back towards the upper part of the shoulder." When asked if the knee could be placed in the lower back, the Witness responded, "In an emergency situation, yes." But stated that the situation in the video was not an emergency situation and "...it appears that other officers have control of him on the ground." Witness testified that an officer would be required to document the use of the kneeling technique. Witness also testified that he could see Respondent kick the detainee and that there was no need for force at that moment in time. Witness stated that at no time during his interview of Respondent did Respondent explain that he, himself or other officers in his presence were under the fear of imminent bodily harm. Witness stated that Respondent described upon his arrival seeing a coworker that was injured but that he did not see the injury take place. Witness testified that he brought the video of the incident to the interview and that the Respondent was allowed to view the entire video. Witness reviewed Respondent's reports from the day of the incident and testified that he did not think that the detainee was an "assailant" at the time Respondent entered the room. Witness stated that when Respondent indicated on his report that detainee was an "Assailant: High Level" he failed to complete the boxes indicating "Firearm" or "Other" as required. Witness stated that once detainee was on the floor he was no longer an assailant. Witness testified that there was no mention of Respondent kneeling on the detainee in the statement he took from Respondent at the interview. Witness testified that Respondent's report should have contained a description of his use of the kneeling technique and any kick delivered to detainee. Witness was provided with a copy of Sheriff's Order 11.2.1.0 Response to Resistance/Use of Force Policy, Sheriff's Order 24.9.1.0 Reporting Incidents, Sheriff's Order 11.2.20.0 Rules of Conduct, and Article X of the Merit Board Rules. Witness was asked to summarize what it was about Respondent's conduct that violated the General Orders and the Merit Board Rules. Witness responded that Respondent "was authorized to use force" but that "once the detainee was under control he should have deescalated and terminated his use of force. In addition, the technique that he used is not one that I'm familiar with that we're trained to do, striking him in the kidney area." Witness stated that his assessment of the strikes to the kidney area were based upon Respondent's statements at his interview and by viewing the video of the incident. On cross examination the Witness was provided with the Respondent's Response to Resistance/Use of Force Form. Witness testified as to the subject information, Subject's Actions, and the classifications indicated by Respondent in the report. Witness agreed that "the officer's use of force is based on the totality of the circumstances believed at the time by a reasonable officer, and that it's an objective standard. Witness testified that, "According to the Use of Force Policy, it is an accepted tactic to use closed mechanical or stun strikes on major muscle areas." Witness testified that the Response to Use of Force Form completed by Respondent showed that he was using pressure strikes to handcuff [REDACTED] and regain control of the situation. Witness stated that the fact that the detainee had only one handcuff on allowed

detainee to possibly use the handcuff as a weapon and that the detainee could be deemed an assailant. Witness testified that an officer who believed the detainee to be an assailant could use force to deescalate the situation. On redirect, the Witness testified that, while Respondent was in the room, detainee did not break free from the officers and that detainee did not throw a punch at the officers. Witness testified that while detainee was on the floor there was no imminent threat of bodily harm to Respondent or any of the other officers. Witness testified that the use of force is based upon an analysis of the "totality of the circumstances" but that the analysis is not purely subjective. Witness stated that under the "totality of the circumstances" analysis Respondent's closed hand strikes on the detainee were not necessary.

Witness [REDACTED] testified that his last place of employment was as Warden of the Illinois River Correctional Center. Witness testified that he started in corrections in 1983 as a correctional officer and held various positions such as Correctional Lieutenant, Correctional Captain, Statewide Tactical Commander, Superintendent and, finally, as Warden when he retired. Witness testified that he was involved in writing use of force programs, evaluating tapes of use of force incidents and evaluating excessive force incidents. Witness stated that he has testified in review board hearings as a management rep and as a hearing officer hearing the testimony. Witness testified that he testified as an expert in a Merit Board Proceeding in a prior case. Witness was tendered as an expert witness. Witness testified that he has reviewed the use of force model used by the Sheriff's Office and that it is similar to the model used by the Illinois Department of Corrections. Witness testified that he had established an opinion in regard to the information provided to him and that he believed that Respondent's use of force was excessive. Witness stated that his opinion was that at the point Respondent delivered the 5 or 6 open hand strikes to the detainees lower back and kidney area they were inappropriate. Witness testified that those types of strikes are ineffective and that Respondent could have restrained the detainee's legs. Witness testified that in the video, Respondent enters the room and hesitates. Witness testified that at the time Respondent enters the room detainee is not throwing any punches or kicking anybody. Witness stated that at that point Respondent kneels on the detainee. Witness stated that at the time Respondent kneeled on the detainee that it was inappropriate. Witness testified that the use of the kneeling technique should always be documented. Witness testified that in the video Respondent is pulled off the detainee by another officer and that he appears to return to the detainee's head area and kneel on him again. Witness stated that when the detainee is picked up by two other officers, Respondent "kicks him as he goes by". Witness testified that Respondent appears to "want to, like, stay in the area to antagonize." The Witness testified:

Q. Now, right here just for reference at 12:11:28, is that Officer Vargas after being pulled off of – out of the situation?

A. Yeah, his back is – I wouldn't say it's against the wall but it's pretty close to it.

Q. Towards the right hand of the screen?

A. Yes.

Q. Now, at that point in time do you see Officer Vargas move back towards the detainee at 12:11:50?

A. Yes.

Q. Was there any need for him based on what you see and the behavior that you see from Detainee [REDACTED] for Officer Vargas to move back towards the detainee?

A. No.

Q. Was the detainee fully restrained at this time?

A. He appears to be.

Q. Now, at this point in time at 12:12:37, what did you just see Officer Vargas do?

A. It looks like he kneels down like on the upper part of the detainee's upper back.

Q. Okay. Well based on the video, is there any need for Officer Vargas to go hands on or be that close to the detainee at that point in time?

A. No.

Witness further testified:

Q. Now, at 12 – it was possibly 12:12, but we're looking at a paused screen that says 12:13:05. What did you just see Officer Vargas do?

A. Kicked with his right leg at offender [REDACTED] as he is being lifted off the ground.

Q. Was there any need for that use of force at that point in time?

A. None whatsoever.

Witness testified that using the Sheriff's Office Use of Force Model what detainee would be considered at the time that Respondent entered the room. Witness testified that detainee could be either "Non-Moving Resister" or "Subject Must Be Directed to Cooperate". Witness testified that the strikes delivered by Respondent were "high impact pressure" and were not appropriate. Witness testified that at no time after Respondent entered the room was the detainee an "assailant". The witness stated that, in his opinion, the Respondent's reports "minimized his involvement", "he doesn't go into any detail about being pulled off, reengaging, he doesn't state in his reports that he kicked the offender, you know, it just like ends. But if you were reading this without a video, you would think it ended after an initial down, you know, when he came in and was just down, that's where you thought it would have ended at and not as much involvement with this as actually played." On cross examination, Witness was questioned as to his experience, expertise and work history. At this point the Witness was admitted as an expert witness. Witness was questioned about Respondent's reports and when and how they were completed. Witness agreed that at the time the reports were completed it was not the policy of the Cook County Sheriff to provide officers access to video of the incident and that the reports must be completed from memory. Witness agreed that the stress of the situation could affect a reporting officer's memory. Witness testified that the reports available to him did not include an explanation as to why Respondent was pulled off the detainee. On redirect, Witness testified that the injuries to Officer [REDACTED] occurred prior to Respondent entering the room and that at the time Respondent arrived there was no imminent threat of battery or attempt by the detainee to punch an officer.

The Sheriff rested and the Respondent presented his case.

Witness [REDACTED] testified that he currently works for the Cook County Sheriff in Receiving, Trust and Classification and has been employed by the Sheriff's Office for almost 6 years. Witness testified to the events of March 11, 2013. Witness testified that Respondent was one of the officers that responded to the "all available" call. Witness stated that Respondent assisted in restraining the detainee. Witness testified as to the injuries he received. Witness stated that the Sheriff's Office attempted to discipline him over the event. Witness testified that an arbitrator found that he did not violate any Sheriff's policies. On cross examination Witness testified that Respondent was not in the room when he was struck by the detainee. Witness testified that he did not see Respondent deliver the blows to the detainee. Witness testified:

Q. Okay. Is it appropriate to strike a detainee after they have injured an officer seconds later?

A. No. It has to happen at the moment.

On redirect Witness testified that when officers respond to an all available call and see an officer has been battered they may think someone's safety is at risk because "they know that there's someone that's very aggressive and is willing to attack officers."

Witness [REDACTED] testified that he is currently employed by the Cook County Sheriff's Department in Division II of the Cook County Department. He testified that he has been employed by the Sheriff's Office for 12 years. Witness testified that he works with Respondent and has supervised him for two years. Witness testified that Respondent is an outstanding officer. Witness testified as to his knowledge of and training in the use of force. Witness testified:

Q. ... is there anything in the use of force policy that prevents – or defines how a pressure strike should be used?

A. It should be used to large muscle groups to gain control and to defeat the assailant.

Witness testified as to the time frame for completing incident reports. On cross examination Witness stated that he was not present for the March 13, 2013 incident.

Witness [REDACTED] testified that he is a Sergeant at the Cermak Hospital. Witness testified that he has known Respondent since they were recruits at the academy. He testified that he supervised Respondent at Cermak Hospital. Witness testified that to his knowledge Respondent has never had "any discipline in his background". Witness testified that Respondent has not been involved in a use of force incident while assigned to Cermak Hospital. Witness testified that Respondent was professional, outgoing, and has a good rapport with inmates. On cross examination Witness stated that he was not present for the March 13, 2013 incident. On redirect examination Witness stated that Respondent had been involved in situations at Cermak Hospital where he had deescalated a situation.

Witness [REDACTED] testified that he is a Lieutenant with the Cook County Sheriff's Department and has been employed there for 18 years. Witness testified that he supervised

Respondent at Cermak Hospital for one year. Witness testified that he noticed that Respondent was able to "talk to people when they were having issues." Witness testified that these people were the mentally ill at Cermak Hospital. Witness testified that Respondent was an effective officer and that there were no complaints filed against him by any detainee. Witness testified that he considered Respondent a quality officer and an asset to the Sheriff's Department. On cross examination Witness testified that he was not present for the March 13, 2013 incident and was not familiar with Division XI.

Respondent testified that he is currently employed by the Cook County Sheriff's Office and has been for 6 years. He stated he is currently assigned to Division V. Witness testified that on the date of the incident he was on assignment in master control and responded to the all available call. Respondent testified that he walked into the room of lower C pod and heard a commotion and saw Officer [REDACTED] "completely distraught, like dazed out, swollen face, lacerations" and Officer [REDACTED]. Respondent stated that when he entered the room detainee was "resisting, he wouldn't give up his – any of his arms or comply to any of the directives." Respondent stated that he filled out a Use of Force Report immediately following the incident but that he did not have access to video of the incident when he completed that form. Respondent testified as to how he filled out the Use of Force Report and the boxes he marked indicating that detainee was "Not Responsive", "Dead Weight", and "Not Responsive to Verbal Direction". Respondent testified that "...we were telling him to stop resisting and give up his arm, and he would not, he refused. Respondent stated the he marked the "Other" box and "I put on there, you know, "Criticality of the Environment, High Risk." Respondent stated that he did so because, "—the fact that he had already committed a battery, resisting, the environment as far as the detainees that were out in the hallway and the madness that was happening on – throughout the whole thing, the yelling and screaming and everything altogether, which is what I mean by "Other". Respondent testified that he classified the detainee as "Assailant Low Level, Assailant Mid Level" because detainee was an imminent threat of batter, and attack and had the handcuff on his one arm. Respondent testified that his response to the detainee was "Closed Hand Strikes/Punch". Respondent testified that he could have left "stuff" out of the report because of emotion, being hurried by supervisors, and not being able to review the video. Respondent reviewed the Use of Force Model and stated that he classified the detainee as an assailant. Respondent testified as to the control methods available for an assailant and that at the time he believed he was following the Use of Force Model. Respondent testified:

Q. -- you testified you characterized him as Low Level to Mid Level, correct?

A. Correct.

Q. All right. Can you read what Mid Level says??

A. "The subject's actions will probably cause physical injury. The category of subject is defined by actions which attack the officer or others."

Q. And was somebody attacked that day?

A. Yes.

Q. And who was that?

A. Officer [REDACTED] and to my belief it was Officer [REDACTED] as well.

Q. And if you turn to the third – the fourth page, which is Bates-stamped 000201, “Totality of the Circumstances,” at that time did any of these apply?

A. Yes.

Q. Can you tell me which ones you thought applied –

A. Under the Q?

Q. -- under your belief. Yes.

A. The Seriousness, No. 1; the size and stature – oh, this is the officer; the number of subjects slash – the numbers of subjects – the Subject(s) access to weapons, which is the handcuff; the Gender, the age, the physical attributes of the subject; the Immediacy of danger; the Presence of victims or potential victims in the area; the Mental status of the subject; the Reasonable belief of harm to another or self; the Nature and stability of the environment or location; and the Amount of time available to reasonably establish control.

Q. So you believed that to be true under those circumstances why?

A. Because –

Q. When you arrived on the scene, why?

A. When – to be involved in an altercation like that, it's not just cookie cutter, and you don't just go based off of your training, it's everything as a whole, and I genuinely believed that there was an imminent threat to other officers when I went there, they were out of breath, they were exhausted, so to me it was just a matter of life dependency, I had to react, I had a second to compute and react.

Respondent testified that he delivered pressure strikes to the detainee's back, that it was not intended to cause injury, and that the strikes were intended to stabilize, defuse and gain control. Respondent testified that he did not strike the detainee in the kidneys. Respondent testified:

Q. Now, you're – you're pulled off, correct?

A. Correct.

Q. So did you have any conversation with this officer at all?

A. Other than just, “Are you okay? Are you okay, Honey?” none other than that.

Respondent testified:

Q. All right. Officer, here it appears you're doing what, what are you doing her?

A. It appears I'm doing a two-point stance.

Q. And that means what?

A. Which is what we're taught in emergency handcuffing in the academy, a two-point stance is where you apply knee pressure into the back to take away the leverage and to take away the stability from the detainee and to the officer in emergency handcuffing.

Q. And at this point is he handcuffed?

A. No one told me he was, and in my belief he wasn't, but he is.

Q. So right here at 12:13:08 he is now handcuffed, correct?
A. Correct.

On cross examination Respondent testified as to his training, his access to the General Orders, and his ability to ask for guidance from superiors. Respondent testified that on March 13, 2013 he was aware that he could not use excessive force and that he had to accurately report any use of force. Respondent was provided with a copy of his Use of Force Report and testified that it did not indicate the use of emergency handcuffing techniques or his use of a two-point stance in kneeling on the detainee. Respondent testified that on his Use of Force Report he placed the detainee at the highest level assailant that there is based upon the fact that one hand was handcuffed. Respondent testified that he considered the handcuff a weapon but failed to indicate this on his report.

Findings:

The Board finds that the evidence shows that Respondent did violate Sheriff's Order 11.2.2.0 II, V. E., VII. B and E., X. A. 6 and 7, XIII A, B and C; General Order 24.9.1.0 II, VII A. 1-2, C., F. 2., VIII; Sheriff's Order 11.2.20.0 II, III, and VI. A. 2., B. 1-2., and D3; and the Rules and Regulations of the Cook County Sheriff's Merit Board, Article X, paragraph B. 3, and the Rules and Regulations of the Cook County Sheriff's Merit Board, Article X paragraph B. The videotape shows at the time of the application of force by the Respondent to the inmate that the inmate was generally restrained by other correctional officers and would no longer be considered an active resistor. The level of force used by the Respondent under the General orders and the Sheriff's orders was unnecessary at that point. The testimony of the Respondent, while credible as to what he may have believed at the time of the incident, would not support the level of force used under the totality of the circumstances as they existed when he acted. The witnesses called by the Respondent in his case are credible, and reflect that the Respondent had a very good employment history before this incident. While it is a close case, the level of force employed by the Respondent appears to be excessive under the totality of the circumstances. The Board further finds that the Respondent did not violate General Order 24.9.1.0 II, VII A. 1-2, C., F. 2., VIII regarding proper reporting of the incident of his use of force. The evidence shows that considering the stress and circumstances and duration of the incident, the Respondent may not have been able to recall, as Witness [REDACTED] stated, all of the details of the incident at the time of completing the report, particularly considering that he did not have the benefit of viewing the videotape at the time of making a written report.

Conclusions of Law: Based on the evidence presented, and after assessing the credibility of witnesses and the weight given to the evidence in the record, the Merit Board finds that the Respondent did violate Sheriff's Order 11.2.2.0 II, V. E., VII. B and E., X. A. 6 and 7, XIII A, B and C; General Order 24.9.1.0 II, VII A. 1-2, C., F. 2., VIII; Sheriff's Order 11.2.20.0 II, III, and VI. A. 2., B. 1-2., and D3; and the Rules and Regulations of the Cook County Sheriff's Merit Board, Article X, paragraph B. 3, and the Rules and Regulations of the Cook County Sheriff's Merit Board, Article X paragraph B. The Respondent did not violate General Order 24.9.1.0 II, VII A. 1-2, C., F. 2., VIII.

Order: Wherefore, based on the foregoing, it is hereby ordered that the Respondent Jose L. Vargas, Jr. be separated from the Cook County Sheriff's Office effective March 13, 2015.

Jose Vargas Jr. #1806

[REDACTED]
James P. Nally, Chairman

[REDACTED]
Byron Brazier, Vice Chairman

[REDACTED]
Kim R. Widup, Board Member

[REDACTED]
Gray Mateo-Harris, Board Member

[REDACTED]
Jennifer E. Bae, Board Member

[REDACTED]
John J. Dalicandro, Secretary

[REDACTED]
Patrick M. Brady, Board Member

[REDACTED]
Vincent T. Winters, Board Member

Dated October 26, 2015